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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, )  
09 Plaintiff, ) CASE NO. MJ 13-385  
10 v. )  
11 ROGER ALLEN YBARRA BERGER, ) DETENTION ORDER  
12 Defendant. )  
13 \_\_\_\_\_ )

14 Offense charged: Conspiracy to Possess Methamphetamine and Heroin with Intent to  
15 Distribute; Possession with Intent to Distribute Methamphetamine and Heroin

16 Date of Detention Hearing: August 6, 2013.

17 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
18 based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
19 that no condition or combination of conditions which defendant can meet will reasonably  
20 assure the appearance of defendant as required and the safety of other persons and the  
21 community.

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01            FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

02            1.        Defendant has been charged in the District of Montana (CR13-36 BLG-SEH)  
03 with a drug offense, the maximum penalty of which is in excess of ten years. There is  
04 therefore a rebuttable presumption against defendant as to both dangerousness and flight risk,  
05 under 18 U.S.C. § 3142(e). In addition, the two offenses with which defendant is charged each  
06 carry mandatory minimum terms of imprisonment.

07            2.        Defendant has a significant substance abuse history and an unstable residence  
08 and employment history. His proposed release address is with the Salvation Army  
09 Rehabilitation Center in Seattle.

10           3.        There are five failures to appear with bench warrant activity in his criminal  
11 history since 2010, with active, extraditable warrants in Washington State.

12           4.        Taken as a whole, the record does not effectively rebut the presumption that no  
13 condition or combination of conditions will reasonably assure the appearance of the defendant  
14 as required and the safety of the community.

15 It is therefore ORDERED:

- 16        1. Defendant shall be detained pending trial and committed to the custody of the Attorney  
17        General for confinement in a correction facility separate, to the extent practicable, from  
18        persons awaiting or serving sentences or being held in custody pending appeal;
- 19        2. Defendant shall be afforded reasonable opportunity for private consultation with  
20        counsel;
- 21        3. On order of the United States or on request of an attorney for the Government, the  
22        person in charge of the corrections facility in which defendant is confined shall deliver

01 the defendant to a United States Marshal for the purpose of an appearance in connection  
02 with a court proceeding; and

- 03 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel  
04 for the defendant, to the United States Marshal, and to the United State Pretrial Services  
05 Officer.

06 DATED this 6th day of August, 2013.

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09 Mary Alice Theiler  
10 United States Magistrate Judge  
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